IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Civil Writ Petition No. 383 of 2005 (S/S)

Smt. Puspha Dhanik
W/o Sri Brij Mohan Singh Dhanik

……. Petitioner

Versus

1. State of Uttaranchal.
   through Director
   Urban Development, Dehradun.
2. Commissioner Kumaon Mandal,
   Nainital (Uttaranchal) District Nainital.
3. District Magistrate Champawat.
4. Executive Officer
   Nagar Panchayat Champawat,
   District Champawat.

…… Respondents

Mr. Lalit Sawant, Advocate holding brief of Mr. I.D. Paliwal, learned counsel for the petitioner.
Mr. N.P. Sah, Standing Counsel for the State.
Mr. Manoj Tiwari, learned counsel for respondent No. 4.

Hon'ble Prafulla C. Pant, J.

Heard learned counsel for the parties.

2) By means of this writ petition, the petitioner, who is a Clerk-cum-Typist on daily wages with the Nagar Panchayat, Champawat, has sought her regularization in service.

3) Learned counsel for the respondent No. 4 states that there is no sanctioned post against which the petitioner's services can be regularized.

4) In view of the principle of law laid down in ***Secretary State of Karnataka VS. Uma Devi, reported in 2006 A.I.R.S.C.W. Page 1991,*** that daily wage workers and the persons employed without undergoing regular selection process under the rules, should not

be permitted to be absorbed or regularized in the service, against the Constitutional Scheme of public employment, this Court is not inclined to issue direction to regularise services of the petitioner.

5) Therefore, the writ petition is dismissed. Interim order dated 08.04.2005 stands vacated. (All pending applications in this Petition also stand disposed of).

(Prafulla C. Pant, J.)

Dt.: November 17, 2006
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